

194

Department of Land Revenue

OFFICE of the Ad. Officer

STATION Madras

Mis. No. 53

Dated

7-1-42

Rs. 100/-
22/11

Pages in the file ^{2/2 page}
_{of 2 page}

(SUBJECT.)

Suits (S. Kanera) Mangalore STAC
318/38 Mangalore TH - Bannampad
Removal of pass. Prohibition - filing
appeal unnecessary

Ref.A3-8837-41.

South Kanara Collector's Office,
Mangalore, 23rd December 1941.

2-JAN 1942

From

M. V. Subrahmanyam, Esq., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Irrigation.

M a d r a s.

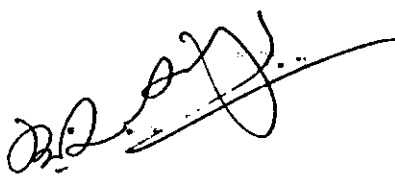
Sir,

Suits - ^(S. Kanara) Mangalore District Munsif's Court - O.S.
318/38 - Mangalore Taluk - Baikampady village - Removal of
grass - Prohibition. *file*

p. 29/fg B.P.Mis.2959, dated 21.10.1938.

I invite the Board's attention to the certified copy of the decree in the above suit. The court, while allowing the request in paras 7(a) and (b) of the plaint, dismissed the suit as far as the Government (1st defendant) is concerned and ordered plaintiffs 2 to 31 to pay to the Government a sum of Rs.25/- for costs. In para 29 of the judgment the court has found 'that so far as the 1 defendant is concerned, the user of the plaint property by the plaintiff villagers could only have been permissive and that they have not acquired any ---- right to the property which they could enforce against the 1 defendant'. The Government Pleader, Mangalore, when consulted in the matter, states that the Government having ----- succeeded, no appeal appears to be feasible or necessary even though the plaintiffs have been granted the reliefs against other defendants. In this connection I invite the Board's attention to para 3 of this office Ref.A3-4612-38, dated 26.8.1938 to the Board applying for sanction for the defence of the suit and in view of what was stated therein and of the finding of the court in para 29 of the judgment, I agree with the Government Pleader, that no appeal is necessary in this case.

2. The certified copies of the judgment and decree and a T
spare copy of the plaint are enclosed for reference and return.


For Collector.
Kod
23.12.14

Suits (S. Kanara) Mangalore & M.C. - C.S. 318/38
Mangalore Tl - Baikampady Vge - Removal
of grass - Prohibition - filing of appeal -
Proposed.

B. 9/42

From the Collector of S. Kanara d. 23.12.41
To A/CN,

S. No. 1071 of Baikampadi Vge, Mangalore Tl measuring 39.65 acres was registered as assessed waste dry and it was reserved for the common use of the villagers in Cdr's R.O. 139 R/1907 d. 13.4.07. It was transferred to Poramboke in Cdr's S.O. No. 3064 D. Revd. 29.9.11. It stands now registered as Poramboke ^{and is used for the growth of} ~~for the~~ Kaje grass. It appears that the Wardens of Tannirbhavi and Panambur Vges have long been enjoying the exclusive right of to rear and cut Kaje grass in this plot of land. The neighboring villagers began to trespass on this right and cut Kaje grass. In June 1936, the plaintiffs who are the Wardens Tannirbhavi and Panambur Vge, approached the Bd with the request that the land & right be reserved in the Revenue records as Poramboke for rearing and cutting Kaje grass exclusively for the Wardens of Panambur and Tannirbhavi Vges. The Bd refused to comply with their request in his S.O. 3051/36 d. 31.8.36. The plaintiffs again approached the Bd and reiterated their request in 1936. The Bd in his R.O. 6134/36 d. 16.3.37 ordered that the existing registry of the plot as Poramboke should stand. Against this order they approached the Bd. The Bd observed that such a right as the plaintiffs claimed could not be recognised by an -

entry in the Revenue Accounts and dismissed the petition. The plaintiffs thereupon filed a suit in the Mangalore S.C. for the declaration that they and other Wargars of Tannurkhar and Kamburkhar should have the sole right to rear and cut Kaje grass in the land and for a permanent injunction restraining the Wargars of the neighbouring villages Thokur and Panjar from cutting and removing any grass from the plot for a six months from July in every year.

The defence of the suit was sanctioned by the Bd. and the suit has been dismissed as far as the Govt ^{are} concerned.

In para 29 of the judgment, the Court has found that the use of the plot by the plaintiffs could only have been permissive and that they have not acquired any right to the property which they could enforce against the Govt. The order who has consulted the

G. P. Mangalore states that no appeal is necessary in this case in view of the Court's finding said above and in view of the case being of a technical nature. ~~for which~~ The Bd. may agree with the order that no appeal need be filed.

by 5/11/42 The plffs 2 to 3 have been ordered to pay to the Govt Rs 25 for costs.

M 5/11/42 Para 29 of the judgment is interesting & may be read

N may be appended for order.

B.P.No. *Mis 53*
Dated *7-7-42*

Single Member
~~Two Members~~
~~Full Board.~~

Assistant Secretary				J.S. Secy.	$\frac{M}{3}$	$\frac{M}{2}$	$\frac{M}{1}$
I-A.	A.D.S. & L.R.	L.R.	Irri- gation. Rev.				

1. Open file
seen by

2. Final draft
seen by

3. Now circu-
lated to

4. Initials.

Passed for record.

~~Secretary~~

~~Joint Secretary~~

A.D. (L.R.) *(8/8/42)*

A.D. (Irrign.)

A.D. (Sep. Rev.)

A.D. & L.R.

I-A.

M. S. 9/1/42

Note:- Entries not required to be scored out.